

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)
v.)
JUANA EDITH VELA-SALINAS)

No. 3:11-00083-19

Chief Judge Haynes

**MOTION TO RECONSIDER APPOINTMENT
OF FEDERAL PUBLIC DEFENDER**

The United States of America, by its attorneys David Rivera, Acting United States Attorney for the Middle District of Tennessee, and Brent A. Hannafan, Assistant United States Attorney, hereby requests that this Court reconsider its Order directing the Federal Public Defender's Office secure counsel to represent the defendant, Juana Edith Vela-Salinas. (Docket No. 582).

INTRODUCTION

Upon her arrest in Texas, the defendant retained an attorney, Manuel Guerra, III. Mr. Guerra appeared on her behalf at the defendant's initial appearance in Texas and later appeared on her behalf for her arraignment in the Middle District of Tennessee. Upon Mr. Guerra moving to withdraw as counsel after the defendant fired him, this Court ordered that the Federal Public Defender's Office secure counsel for her. However, the defendant has never requested a court appoint her an attorney at the public's expense, nor has she ever submitted a sworn Financial Affidavit attesting that she is financially unable to retain an attorney. Therefore, no court has determined pursuant to Title 18, U.S.C., Section 3006A that she is "financially eligible" to receive an appointed attorney.

It is the United States' position that unless and until the defendant requests an appointed attorney and this Court or a magistrate judge evaluates a sworn Financial Affidavit submitted by